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LEGISLATIVE SUPPLEMENT

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PART III

GOVERNMENT OF PUNJAB

DEPARTMENT OF HOME AFFAIRS AND JUSTICE

(JUDICIAL-1 BRANCH)

NOTIFICATION

The 5th February, 2020

No. G.S.R.8/P.A.4/2002/S.28/2020.- In exercise of the powers conferred by section 28 of the Punjab Advocates Welfare Fund Act, 2002 (Punjab Act No. 4 of 2002), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

RULES

1. Short title and commencement.- (1) These rules may be called the Punjab Advocates Welfare Fund Rules, 2020.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,

(a) "**Act**" means the Punjab Advocates Welfare Fund Act, 2002 (Punjab Act No.4 of 2002);

(b) "**Chairman**" means Chairman of the Trustee Committee;

(c) "**Secretary**" means the Secretary of the Trustee Committee; and

(d) "**State Government**" means the Government of Punjab in the Department of Home Affairs and Justice.

(2) **The words and expressions** used in these rules, but not defined therein, shall have the same meaning as are assigned to them under the Act.

3. Credit of fund.- (1) The Secretary shall collect all sums specified in sub-section (2) of section 3 and deposit the same in the bank account of the Trustee Committee in a Nationalized Bank duly approved by The Trustee Committee.

Sections
3(3)
and 28.

(2) Separate accounts shall be maintained for the sums received under each of clauses (a) to (j) of sub-section (2) of section 3.

- Section 28. **4. Headquarter.**— The Headquarter of the Trustee Committee shall be at the office of Advocate General, Punjab at Chandigarh.
- Sections 3 and 28. **5. Annual statement of accounts.**— The Trustee Committee shall prepare annual statement of income and expenditure in Form I.
- Section 28. **6. Preparation of budget estimates.**— The Secretary shall prepare the budget estimates of income and expenditure for the coming financial year and the same shall be placed before the Trustee Committee for approval before the 31st March of every year.
- Sections 3 and 28. **7. Administrative expenditure, payments and investments.**— (1) All administrative expenditure, payments and investments shall be approved by the Trustee Committee.
- (2) A Capital expenditure or payment of contingent nature upto rupees twenty thousand may be sanctioned by the Chairman and by the Secretary upto rupees ten thousand, which shall be placed before the Trustee Committee for ratification at its next meeting.
- Sections 11 and 28. **8. Audit.**— The accounts of Trustee Committee shall be audited once a year by a Chartered Accountant appointed by it and the audit fee payable to him shall be such as may be fixed by the Trustee Committee, which may be revised by it from time to time.
- Sections 3 and 28. **9. Statement of income and expenditure.**— The statement of income and expenditure of the year audited shall be laid before the Trustee Committee not later than the 30th June of each year and thereafter before the Bar Council for approval.
- Sections 3 and 28. **10. Budget Estimate.**— The budget estimates of income and expenditure for the coming financial year shall be made by the Trustee Committee and to be placed before the Bar Council for approval.
- Sections 3 and 28. **11. Mode of payments.**— All payments shall be made through Cheque :
- Provided that an expenditure below rupees two thousand may be made in cash in exceptional cases with the approval of the Chairman.
- Sections 3 and 28. **12. Powers of the Chairman and the Secretary.**— (1) The Chairman shall have the power to sanction travelling allowance of the Member of the Trustee Committee, disbursement of salary to the staff, medical bill of the Staff, Printing

of welfare Stamps and other incurring routine expenses of the Trustee Committee, not exceeding of an amount of rupees twenty thousand.

(2) The Secretary shall have the powers to sanction expenditure on printing and purchase of stationery, postage expenses, telephone bill, electricity bill, travelling allowance and dearness allowance of staff and other petty bills not exceeding an amount of rupees ten thousand.

13. Annual Report.— The Annual Report for the year beginning from 1st April to 31st March of the year shall be prepared in Form II before the end of 30th June of the following year and a copy of that report shall be submitted to the State Government within fifteen days after such report is approved by the Trustee Committee. Sections 3 and 28.

14 Meeting.— (1) The date and time for a meeting of the Trustee Committee shall be fixed by the Secretary with the prior approval of the Chairman and the Secretary shall give seven clear days' notice for the meeting to the Members. Sections 23 and 28.

(2) In case of urgency, the Chairman may convene a meeting of the Trustee Committee at a short notice and such notice may be given either by telephone or through telegram or email or registered letter or through SMS or Dasti as may be decided by him.

(3) An agenda for every meeting of the Trustee Committee shall be prepared by the Secretary with the approval of the Chairman and shall be circulated to the Members.

(4) It shall be open to any Member to raise any matter not included in the agenda of the meeting with the permission of the Chairman.

(5) The minutes of the meeting shall be recorded by the Secretary and circulated to the Members, as early as possible, after approval by the Chairman.

(6) At the next meeting of the Trustee Committee, the minutes of the previous meeting shall be read and confirmed.

(7) Meeting of the Trustee Committee shall, ordinarily be held at the office of Advocate General, Punjab unless the Chairman otherwise directs in writing.

15. Maintenance of records and registers.— (1) The Secretary shall maintain the following records and registers, namely:- Sections 3, 11 and 28.

-
- (i) Register of meetings of the Trustee Committee and minutes of such meetings;
 - (ii) Register of the sums credited to the Fund and paid out of the Fund under separate heads specified in sub-section (2) of section 3;
 - (iii) Register of all sums due to the members under separate heads under section 18;
 - (iv) Register of members of the Fund;
 - (v) Register of payments to members of the Fund, their dependents, nominees and legal heirs under separate heads;
 - (vi) Register of members of the Funds who voluntarily suspend practice or retire;
 - (vii) Register of all enquiries made by the Trustee Committee;
 - (viii) Register of the staff appointed by the Trustee Committee;
 - (ix) Day Book;
 - (x) Ledger;
 - (xi) Cash Book;
 - (xii) Receipt Book with inner foil;
 - (xiii) Voucher file;
 - (xiv) All Forms specified under these rules;
 - (xv) Records of all Forms, application and other documents received;
 - (xvi) Records of all correspondence and other business transacted by the Trustee Committee;
 - (xvii) A register for Group Insurance of the Funds giving various particulars of each members;
 - (xviii) Diary and dispatch Register;
 - (xix) Other registers, files and records as may be required to be maintained from time to time.

(2) Register, etc. shall be maintained in the format as laid down by the Trustee Committee in consultation with the chartered accountant appointed under sub-section (2) of section 11.

16. Application for recognition and registration of Bar Association.—

Sections 14
and 28.

An application, duly signed by the President and Secretary of an association of Advocates (by whatever name it is called) functioning in the State in any Court, Tribunal, Statutory Authority or Body accompanied by the documents and information as specified in sub-section (2) of section 14, shall be made to Bar Council for recognition and registration in Form III:

Provided that the Bar Council may recognize and grant registration to more than one association of Advocates in a District of the State.

17. Application for admission to the Fund.— An application by an Advocate for admission to the Fund, duly signed and attested by the President and Secretary of the Bar Association of which he is a member along with a proof of having been paid an amount of rupees one hundred as fee by way of crossed cheque in favour of the Trustee Committee, shall be made to the Trustee Committee in Form IV:

Sections 16
and 28.

Provided that an Advocate being member of more than one Bar Association shall be eligible to apply and become member of the Fund through anyone of such Bar Associations:

Provided further that the reason for not admitting any applicant to be a member of the Fund shall be communicated to him.

18. Certificate of membership of the Fund.— On admission as a member of the Fund, a certificate of membership shall be issued in Form V.

Sections 16
and 28.

19. Removal from membership caused by misrepresentation or fraud.— The Trustee Committee may, if satisfied that any person has got himself admitted to the membership of the Fund by misrepresentation or suppression of any material fact or by fraud, remove the name of such person from the membership of the Fund after affording him an opportunity of being heard. On such removal, all benefits accrued to such a member by virtue of the provisions of the Act and these rules shall stand forfeited.

Sections 16
and 28.

20. Cancellation of recognition and registration of Bar Association.— The Bar Council may, for reasons to be recorded in writing, cancel the recognition and registration granted to a Bar Association, if it fails to carry out any of the duties specified in section 15:

Sections 14
and 28.

Provided that order of cancellation of recognition of Bar Association

shall not be passed unless the Bar Association concerned has been given an opportunity of being heard.

Sections 16
(7) and 28.

21. Reduction of amount on failure to intimate of suspension of practice or retirement.— (1) A member of the Fund shall, within fifteen days of his removal from the State roll under section 26 or 26-A of the Advocates Act, 1961 or suspension of practice or retirement intimate the same to the Trustee Committee within the period specified in sub-section (7) of section 16.

(2) If a member of the Fund fails to intimate under sub-section (7) of section 16 the amount payable to him under the Act may be reduced, after conducting a suitable inquiry and the reduction shall not exceed twenty five percent of such amount.

Sections 17
(3) and 28.

22. Disposal of Claims.— An application for payment from the Fund shall be preferred to the Trustee Committee in Form VI and efforts shall be made to disburse the Claim within four months.

Sections 8
(1) and 28.

23. Appointment of staff.— The Trustee Committee shall have the powers to appoint such officers and other employees to carry out the functions of the Trustee Committee from time to time and may lay down the qualifications for appointment and allow the pay scales from time to time.

FORM I

(See rule 5)

**ANNUAL STATEMENT OF INCOME AND EXPENDITURE
ACCOUNT**

Income	Rupees	Expenditure	Rupees
Head-wise		Head-wise	
1. _____.		1. _____.	
2. _____.		2. _____.	
3. _____.		3. _____.	
4. _____.		4. _____.	
5. _____.		5. _____.	
6. _____.		6. _____.	
Total		Total	

FOR THE YEAR ENDING 31st MARCH_____.

Signature

Name

Designation

(with Seal)

FORM II

(See rule 13)

Annual Report

Particulars to be reported

- Financial Highlights
- Range of activities undertaken to promote welfare of members
- New assets added during the year
- Any other matter(s) may be considered by the "Committee" and approved for reporting in the Annual Report.

Signature

Name

Designation

(with Seal)

FORM III

(See rule 16)

Application for recognition and registration of Bar Association as required under Sub-section (1) and (2) of section 14 of "The Punjab Advocates Welfare Fund Act, 2002".

1. Name of the Association. _____.
2. Whether registered under Societies registration Act, 1860 or any other similar act if so (Give Details) a copy of such certificate be attached. _____.
3. Name and place of Court, Tribunal/other Authority in which the Association is Functioning . _____.
4. List of Members of the association containing the names, address, age, enrolment number and date of enrolment with the State Bar Council and the ordinary place of practice of each member. (list enclosed). _____.
5. Names and addresses of the President, Vice-President, Secretary, Treasurer and other Office Bearers, at the time of presentation of the application.
(Supply details by separate Annexure)
(Note any change of office bearer in future be notified to the Trustee Committee immediately)._____.
6. Memorandum of Association, Rules, Regulations and bye-laws of Association
(Annex certified copies thereof) _____.
7. We undertake to supply the information/ documents by 15th April every year to the Trustee Committee/Bar Council as on 31st March of that year as required u/s 15 of the Punjab Advocates Welfare Fund Act, 2002, viz._____.

- i. any change in the membership
- ii. Admission or re-admission within 30 days
- iii. Death or other cessation of practice or voluntarily suspension of practice by any of its Member within 30 days of such occurrence.
- iv. Any other information required by Bar Council/Trustee Committee from time to time.

DECLARATION

We_____and_____solemnly affirm that the particulars state above are true and correct as per record of the Bar Association.

Place _____.

Date

President
(Seal of the Association)

Secretary

FORM IV

(See rule 17)

Application for admission as a member of the Fund under sub-section (1) of section 16 of the Punjab Advocates Welfare Fund Act, 2002.

Registration No.

For office use only

Secretary,
Trustee Committee,
Punjab Advocates' Welfare Fund,
Office of Advocate General, Punjab,
Chandigarh.

Please affix recent
passport size attested
photograph

Sir,

I hereby apply for admission as a member of the Fund under "The Punjab Advocates Welfare Fund Act, 2002"

1. Name of the applicant (in block letters)
(as given in Enrolment Certificate) _____.
2. Father's/ Husband's Name _____.
3. Age and Date of Birth (proof to be attached) _____.
4. Address (Residential proof to be attached)
(attested copy either of Ration card or Voter
Card or Domicile Certificate or proof of
Property or pass-port or telephone bill) _____.
Address (office), Ph. No. & Mob. No.
E.Mail Address
5. Date of Enrolment as an Advocate and
Enrolment Number on the roll of Bar
Council of Pb. & Hr.(copy of Enrolment
Certificate be attached) P/_____.

-
6. Date since practicing as an Advocate _____.
7. Ordinary place(s) of practice (also give name(s)
of the Court/Tribunal/other authority) _____.
- a) Previous place of Practice, if any, _____.
- b) Number of Vakalatnama filed for the _____
five years (approximately)
8. Name of the Bar Association of which the
applicant is a member through which the
applicant claims benefit under the Act. _____.
(A certificate of Bar Association be enclosed).
9. Whether practice was discontinued
for any period and reasons therefor _____.
10. Whether the applicant is in part/full-time
Service/full time business, other profession
If yes, give full particulars. _____.
11. Whether the applicant was ever convicted
by a Court of law if so give full details. _____.
for an offence involving moral turpitude, if so.
(Certified copy of order be enclosed)
12. Whether the applicant, at present is facing any
Criminal proceedings or if so, give full
particulars of FIR and latest status of
the proceedings _____.
13. Name, age, occupation and other particulars Name_____.
of dependent (s) Age__Occupation____.
Note: Attach separate sheet, if necessary:
14. Name and address of the Nominee (s)
The amount or share payable to each of
the nominee _____.
15. Whether the applicant was ever removed from

Membership of the Fund by Trustee Committee _____.

16. Mode of payment:-

Application fee: Rs. 100/- Crossed Cheque No. _____ dated _____,

Crossed Cheque in favour of "Punjab Advocates Welfare Fund Trustee Committee" Payable at Chandigarh from any nationalized bank.

Every Advocate shall pay an amount of rupees of one thousand as membership fee under sub-section (5) of section 16 of the Punjab Advocates Welfare Fund Act, 2002.

(To be paid after the acceptance of application

Form for membership of the fund)

DECLARATION

- a) I hereby declare that the above particulars are true to my personal knowledge.
- b) I belong to State of Punjab.
- c) I hereby undertake to abide by the provisions of the Act, Rules made there under and directions/instructions of the Trustee Committee/ Bar Council issued from time to time.
- d) I further declare that if any statement of fact stated in this application is found to be false at any time, my name shall be liable to be struck off as a member of the fund and will not be entitled to any benefit of the Fund or refund of contribution paid by me and same shall stand forfeited.

Dated _____

Signature of the Applicant
/ Advocate

Certificate of Bar Association

Forwarded with the certificate that the applicant is a enrolled member of the Bar Association _____ at Sr. No. _____ since _____ as mentioned in column 8 of this application and he/she is regularly practicing as an Advocate.

Dated _____

Signature

Signature

Secretary
(Seal of the Bar Association)

President

FORM V

(See rule 18)

Trustee Committee

Punjab Advocates Welfare Fund

(Statutory Body Govt. of Punjab)

Certificate of Membership of the Fund

The Trustee Committee of the Punjab Advocates Welfare Fund does hereby certify that Sh./Smt./Ms. _____, Advocate, R/o _____ having enrolment no. _____ is admitted to as a member of the Advocates' Welfare Fund, under section 16 of the Punjab Advocates Welfare Fund Act, 2002.

His/Her Membership No. is _____ Given under my hand and seal of the Trustee Committee this _____ day of _____ 20. _____

Chairman/Secretary
Trustee Committee
Punjab Advocates Welfare Fund

FORM VI

(See rule 22)

APPLICATION FORMS FOR VARIOUS TYPES OF CLAIMS**A. APPLICATION FORM FOR THE GRANT OF 'DEATH BENEFIT'**

1. Name and address of the Applicant:
2. The relationship of the Applicant
with the deceased Advocate:
3. The name and permanent address of
the deceased Advocate:
4. The date of enrolment of the Deceased
Advocate or State Roll No.:
5. Place or Places where the Deceased
Advocate had actually Practised:
6. Whether the Deceased Advocate was
a member of the Punjab Advocates
Welfare Fund:
7. The number of members in the family
depending upon the deceased Advocate
and their respective relationship with the
said Advocate; Furnish the names, ages,
profession and addresses (by separate list) :
8. Average year income of the Advocate
at the time of his death:
9. Sources of other income of the applicant
and the extent thereof:
10. Whether the deceased Advocate had
or the applicant has any movable or
immovable Property, State the
particulars thereof and the value thereof

and any income derivable therefrom:

11. Whether the deceased Advocate has any Bank Account, if so, state the particulars thereof with the cash balance on the date of his death:
12. Whether the deceased Advocate had insured his life, if so, state the particulars of the insurance policy and the sum assured:
13. Any other particulars and information that the applicant desires to furnish:

I declare that the facts mentioned herein above are true and correct.

Place:

Date:

Signature of the Applicant

Enclosures required:

1. Death Certificate.
2. Recommendation of the Bar Association

Note:- Affix a Passport size photograph of the nominee/nominees at the top of the application.

B. APPLICATION FORM FOR THE GRANT OF PAYMENT FROM FUND
ON CESSATION OF PRACTICE, OTHERWISE THAN DEATH.

1. Name and address of the Applicant:
2. If nominee, then relationship of the Applicant
with the Advocate:
3. The name and permanent address of
the Advocate:
4. The date of enrolment of the Advocate
or State Roll No.:
5. Place or Places where the Advocate
had actually Practised:
6. Whether the Advocate was a member
of the Punjab Advocates Welfare Fund:
7. The number of members in the family
depending upon the Advocate and their
respective relationship with the said
Advocate; Furnish the names, ages,
profession and addresses (by separate list) :
8. Average year income of the Advocate
at the time of cessation of the practice:
9. Sources of other income of the applicant
and the extent thereof:
10. Whether the Advocate or the applicant
had any movable or immovable Property,
State the particulars thereof and the value
thereof and any income derivable therefrom:
11. Whether the Advocate has any
Bank Account, if so, state the
particulars thereof with the cash balance
on the time of cessation of practice:

12. Whether the Advocate had insured
his life, if so, state the particulars of the
insurance policy and the sum assured :

13. Any other particulars and information
that the applicant desires to furnish:

I declare that the facts mentioned herein above are true and correct.

Place:

Date:

Signature of the Applicant

Enclosures required:

1. Self-Declaration of the Advocate for cessation of practice.
2. Recommendation of the Bar Association.

Note:-Affix a Passport size photograph of the applicant at the top of the application.

C) APPLICATION FORM FOR GRANT OF MEDICAL FACILITY

1. Name and address of the Member
(In block letters)
2. Age and date of birth of the Member
3. Date of enrolment of Member in the Fund
4. Name and address of the patient showing
relationship with the Member
5. Name and address of the medical practitioner
who was attending the patient.
6. Details regarding the disease and period of
Treatment in Hospital or as outdoor patients
7. Total amount incurred for the treatment
(with proof)

8. Original medical bills in detail date wise,
duly authenticated under the signature and stamp
of the medical practitioner/Government Hospital
with a certificate of reimbursable of medicines
9. Date of grant of medical facility
(if earlier availed)

DECLARATION

I _____ do hereby solemnly affirm that the particulars
furnished above are true and correct.

Place:

Date:

Signature of the Applicant

Certificate of Doctor

1. Certified that Sh. _____ Advocate S/o Sh. _____ remained
under my treatment as indoor/outdoor patient from _____ to _____.
2. He/She was suffering from _____.
3. Certified that the treatment as indoor/outdoor was necessary
4. Certified that the medical charges are cheaper/ effective
5. Certified that the prices of the claim/ Medicine is reasonable
6. Certified that the medicine are not in the nature of tonic the cost of
which is not reimbursable under the Government instructions.

Signature

of the Medical Practitioner/ Doctor
with Seal

SATISH CHANDRA,

Additional Chief Secretary to Government of Punjab,
Department of Home Affairs and Justice.

PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF LOCAL GOVERNMENT
(LOCAL GOVERNMENT-II BRANCH)

NOTIFICATION

The 20th December, 2019

No. G.S.R. 9/P.A./1922/S.73/Amd.(7)2020.- In exercise of the powers conferred by clause (xiii) of sub-section (1) of section 73 of the Punjab Town Improvement Act, 1922 (Punjab Act No.4 of 1922), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983, namely:-

RULES

1. (1) These rules may be called the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Amendment Rules, 2020.
 - (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
 2. In the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983, in rule 4, in sub-rule (1), in the Table, after item 9 and entries relating thereto, the following item shall be inserted, namely:-
- "10. The persons appointed by the,-
- (i) State Government, who are holding the posts in connection with the affairs of the State of Punjab;
 - (ii) High Court of Punjab and Haryana; Three percent
 - (iii) Boards and Corporations owned and controlled by the State of Punjab;
 - (iv) apex institutions under the control of the Department of Cooperation such as Markfed, Milkfed, Punjab State Cooperative Bank and Housefed; and

- (v) universities funded by the State of Punjab except the private universities.

Note:-

- (1) The applicant should have completed at least five years of regular Service or should have retired within the last five years from the date of commencement of these rules.
- (2) An applicant on deputation in Punjab from Government of India or any other State shall not be eligible to apply under these rules.
- (3) Allotment shall be made to those applicants, who do not own any plot or flat in his name or in the name of his wife or husband or dependent, as the case may be.
- (4) The applicant should not have ever been allotted residential plot or house, as the case may be, under discretionary quota or on the basis of preference in any scheme.
- (5) The applicant shall submit the application indicating date of joining or retirement after getting it certified from the concerned DDO of the department concerned."

A. VENU PRASAD,
Principal Secretary to Government of Punjab,
Department of Local Government.